

U.S. Patent Application Serial No. 10/663,696
Response filed November 3, 2005
Reply to OA dated July 13, 2005

REMARKS

The applicants respectfully submit that no new matter has been added. It is believed that this Response is fully responsive to the Office Action dated July 13, 2005.

At the outset, the applicants thank the Examiner for indicating that claims 9 - 13 would be allowable if rewritten in the manner suggested in item 7, page 6 of the outstanding Action. It is noted however that to amend the claims in the manner suggested by the Examiner would unnecessarily narrow or limit the scope of the claims to which the applicants regard as their invention.

In the outstanding Action, claims 1 - 13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting based on claims 1 - 12 of co-pending application U.S. Serial No. 10/663,697. The applicants respectfully request reconsideration of this rejection.

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The applicants' instant claimed invention is directed to a reproducing/recording apparatus having a first disk tray for mounting a first disk thereon, and a second disk tray for mounting a second disk that is of a type different from the type of the first disk thereon.

The claimed invention in the co-pending application, having U.S. Serial No. 10/663,697, is directed to a reproducing/recording apparatus having a first reproducing/recording mechanism for reproducing data from and/or recording data onto a cartridge-disk, wherein the first reproducing/recording mechanism has a traversing mechanism and a clamping mechanism, the clamping mechanism having a keep member adapted to urge the cartridge toward the side of the traversing mechanism at the time of clamping the cartridge.

That is, the claimed structural arrangements or features of both applications greatly differ, despite parts of their drawings being the same. The applicants therefore traverse the outstanding obviousness-type double patenting rejection, and respectfully request that the outstanding provisional rejection under the judicially created doctrine of obviousness-type double patenting rejection based on claims 1 - 12 of co-pending application U.S. Serial No. 10/663,697 be withdrawn.

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The following rejections are further set forth in the outstanding Action:

- (1) claims 1 and 5 - 7 stand rejected under 35 USC 102(b) as being anticipated based on Sako (U.S. Patent No. 6,278,677); and
- (2) claims 2 - 4 and 8 stand rejected under 35 USC 103(a) based on Sako in view of Inoue (U.S. Patent No. 6,665,255).

The applicants respectfully request reconsideration of these rejections.

The applicants' claimed invention, as set forth in independent claim 1, is directed to a reproducing/recording apparatus, which includes a first disk tray for mounting a first disk thereon and a second disk tray for mounting a second disk that is of a type different from the type of the first disk thereon. As further recited in claim 1, the claimed first disk tray is adapted to be moved into and away from the apparatus through a single disk inlet/outlet port with the second disk tray laid thereon.

Significant claimed structural arrangements, as set forth in independent claim 1, include the claimed second disk tray for mounting a second disk that is of a type different from the type of the first disk thereon, and the claimed first disk tray being adapted to be moved into and away from the apparatus through a single disk inlet/outlet port with the second disk tray laid thereon.

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The applicants submit that Sako's main tray and sub-tray are for exchanging, moving and reproducing a single disk. As such, in Sako, there is no such "second disk tray for mounting a second disk that is of a type different from the type of the first disk thereon" (emphasis added), as recited in the applicants' independent claim 1. If, *arguendo*, in Sako, one of the plurality of pairs of main and sub-disk trays (in Sako's Figure 20b) may be considered as the applicants' claimed "second disk tray," there is no teaching in Sako that one of such pairs are loaded and unloaded from a single disk inlet/outlet.

In view of the above, the applicants submit that not all of the claimed elements, as set forth in independent claim 1, are found in exactly the same situation and united in the same way to perform the identical function in Sako. Thus, there can be no anticipation under 35 USC 102(b) of the applicants' claimed invention based on the teachings of Sako.

Moreover, claims 5 - 7 depend on claim 1, and further limit the scope of claim 1. Thus, at least for the reasons set forth above with respect to claim 1, claims 5 - 7 should now be similarly allowable.

Also, the secondary reference of Inoue is narrowly relied upon for the reasons set forth in the fourth full paragraph in item 6, page 5 of the outstanding Action. Despite this reliance, however, Inoue fails to supplement the above-discussed deficiencies or drawbacks of Sako in failing to fully

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meet the applicants' claimed invention, as set forth in independent claim 1 from which claims 2 - 4 and 8 depend. As such, the combined teachings of Sako and Inoue would still fall far short in fully meeting the applicants' claimed invention, and a person of ordinary skill in the art would not have found the applicants' claimed invention obvious under 35 USC 103(a) based on the teachings of the cited prior art references.

Accordingly, the withdrawal of the outstanding rejections under 35 USC 102(b) as being anticipated based on Sako (U.S. Patent No. 6,278,677), and under 35 USC 103(a) based on Sako in view of Inoue (U.S. Patent No. 6,665,255) is in order, and is therefore respectfully solicited.

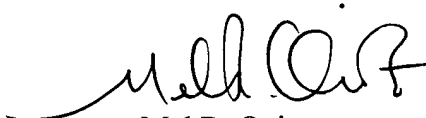
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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